

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Fibertrek, Inc., et al.,

NO. C 08-03415 JW

Plaintiffs,

v.

**ORDER CONTINUING HEARING ON
SECOND ORDER TO SHOW CAUSE RE:
DISMISSAL**

Preferred Corporate Services, Inc., et al.,

Defendants.

On June 24, 2010, the Court issued an Order to Show Cause ("OSC") re: Dismissal in light of the parties' failure to file a Joint Case Management Statement in preparation for a scheduled conference. (Docket Item No. 100.) On July 8, 2010, counsel for Plaintiffs filed a Response seeking an order to vacate the OSC in light of a settlement with the remaining Defendant, Linda Gregg. Counsel also represented that if the settlement falls through, Plaintiffs would be filing a motion for default judgment against Defendant Gregg. (Docket Item No. 103.) On July 9, 2010, the Court issued an order vacating the OSC and setting a hearing on Plaintiffs' anticipated Motion for Default Judgment as to Defendant Linda Gregg. To date, Plaintiffs have failed to duly noticed and file the motion or otherwise communicate with the Court on the status of this case.


On September 14, 2010, the Court issued a Second Order to Show Cause and set hearing for October 4, 2010. (Docket Item No. 105.) On September 24, 2010, Plaintiffs' counsel filed a Declaration responding to the Court's Order to Show Cause. (Docket Item No. 106.) Counsel represents that Plaintiffs and Defendant Linda Gregg are in settlement and that the parties simply

1 need additional time to reduce their settlement to a writing. Counsel does not specify the time
2 required.

3 The Court finds good cause to GRANT Plaintiffs a brief extension to complete its settlement.
4 The Court continues the Second Order to Show Cause hearing from October 4, 2010 to **October 25,**
5 **2010 at 9 a.m.** On or before **October 15, 2010**, the parties shall either file a Stipulated Dismissal
6 and bring this case to a close or a Joint Statement updating the Court on the status of their
7 settlement. To the extent the parties require additional time, the Joint Statement shall clearly set
8 forth the time required.

9 Failure to comply with this Order is sufficient for a dismissal under Fed. R. Civ. P. 41(b).

10
11 Dated: September 29, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Brian Michael Affrunti baffrunti@bwsllaw.com
3 Claudia Carolina Bohorquez ccblaw@aol.com
4 Douglas W. Dal Cielo ddalcielo@bwsllaw.com
5 Robert John Huston bob_huston@yahoo.com

6 **Dated: September 29, 2010**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**